

## **DETAILED ACTION**

### ***Remarks***

1. The earlier Restriction/Election is withdrawn.

### ***Election/Restrictions***

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-3, 5, 8-9, and 37-39, drawn to an intermediate frequency filter having an adjustable capacitor array coupled to the first LC resonator (fig. 3).
  - II. Claims 1, 6-8, and 10-12, drawn to an intermediate frequency filter having a first filter stage coupled to a first LC resonator and a second filter stage coupled to a second LC resonator (fig. 7).
  - III. Claims 13-20, drawn to method of tuning an IF filter wherein comprising the steps of testing the filter, adjusting the capacitive array, and repeating the testing.
  - IV. Claims 35-36, drawn to an intermediate frequency filter comprising a first filter stage coupled to a first LC resonator, a second filter stage coupled to a second LC resonator, and a third filter stage coupled to a third LC resonator.
3. The inventions are distinct, each from the other because:

Regarding Group I & II, the Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic

Regarding Group III and Group IV, both Groups are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination are separately usable. In the instant case, Group III has separate utility such as method of tuning an IF filter and Group III has an IF filter comprising a plurality of filter stages having plurality of LC resonator. See MPEP § 806.05(d).

4. Because these inventions are independent and distinct for the reason(s) given above and have acquired a separate status in the art as shown above by their recognized divergent subject matter and a different field of search is required for each group (see MPEP § 808.02), restriction for examination purposes as indicated is proper

5. Applicant is advised that the reply to this requirement to be complete must include (i) an election of an invention or a species to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

6. The election of an invention or a species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

7. Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. Status information for Published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-directauspto.gov>. Should

You have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 13, 2008

/Pablo N Tran/

Primary Examiner, Art Unit 2618